

AB:MAA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

JAMES CHARLES RIVERA,

Defendant.

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE
SOUTHERN DISTRICT OF
CALIFORNIA
(Fed. R. Crim. P. 5)

Case No. 21 MJ 1397

----- X

EASTERN DISTRICT OF NEW YORK, SS:

NICHOLAS A. CROSBY, being duly sworn, deposes and states that he is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

On or about December 7, 2021, the United States District Court for the Southern District of California issued an arrest warrant commanding the arrest of the defendant JAMES CHARLES RIVERA for violations of Title 21, United States Code, Sections 841(a)(1), (b)(1)(E), and 846 (conspiracy to distribute controlled substances).

The source of your deponent's information and the grounds for his belief are as follows:¹

1. On or about December 7, 2021, the United States District Court for the Southern District of California issued an arrest warrant commanding the arrest of defendant


¹ Because the purpose of this affidavit is to set forth only those facts necessary to establish probable cause for removal, I have not described all of the relevant facts and circumstances of which I am aware.

JAMES CHARLES RIVERA in connection with an indictment charging him with violations of Title 21, United States Code, Sections 841(a)(1), (b)(1)(E), and 846. A true and correct copy of the arrest warrant is attached hereto as Exhibit A. A true and correct copy of the indictment is attached hereto as Exhibit B.

2. On or about December 10, 2021, HSI agents, including the undersigned affiant, arrested the defendant JAMES CHARLES RIVERA at John F. Kennedy International Airport in Queens, New York, pursuant to the warrant for his arrest. The defendant identified himself to HSI agents as “James Charles Rivera.” The defendant provided his U.S. passport and New York driver’s license, each of which is in the name of “James Charles Rivera.” I reviewed the photographs on the passport and the license and compared them with the defendant, and confirm that they are one and the same person. The defendant also personally completed a Department of Homeland Security, U.S. Immigration and Customs Enforcement Personal History Report form in which he wrote his name as “James Charles Rivera.” In addition, in the course of HSI’s investigation, HSI obtained two photographs of the JAMES CHARLES RIVERA wanted in the Southern District of California. I have reviewed those photographs and compared them with the defendant, and confirm that they are one and the same person.

3. Based on the foregoing, I submit that there is probable cause to believe that the defendant is the JAMES CHARLES RIVERA wanted in the Southern District of California.

WHEREFORE, your deponent respectfully requests that the defendant JAMES CHARLES RIVERA be removed to the Southern District of California so that he may be dealt with according to law.


NICHOLAS A. CROSBY
Special Agent
Homeland Security Investigations

Sworn to before me via telephone
this 11 day of December, 2021


THE HONORABLE ROBERT M. LEVY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

EXHIBIT A

SEALED**United States District Court**
SOUTHERN DISTRICT OF CALIFORNIA

PLEASE RECEIPT AND RETURN

UNITED STATES OF AMERICA

V.

James Charles Rivera (1)

WARRANT FOR ARRESTCase Number: 21-cr-3382-AJB-1**NOT FOR PUBLIC VIEW**To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

James Charles Rivera

Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

☒ Indictment ☐ Information ☐ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition
☐ Pretrial Violation

charging him or her with (brief description of offense):

21:841 (a) (1), (b) (1) (E) and 846 - Conspiracy to Distribute Controlled Substances;
21:853 - Criminal ForfeitureRECEIVED
U.S. MARSHALS-S/CA
2021 DEC -7 PM 12:59In violation of Title See Above United States Code, Section(s) _____

John Morrill

Name of Issuing Officer

Clerk of the Court

Title of Issuing Officer

s/ S. Yeager

Signature of Deputy

SEAL S. YEAGER

12/7/2021, San Diego, CA

Date and Location

Bail fixed at \$ No bailby The Honorable Andrew G. Schopler

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

EXHIBIT B

SEALED

FILED

Dec 07 2021

12:23 pm

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY s/ shellyy DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

July 2021 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES CHARLES RIVERA,

Defendant.

Case No. '21 CR3382 AJB

I N D I C T M E N T

Title 21, U.S.C., Secs. 841(a)(1),
(b)(1)(E), and 846 - Conspiracy to
Distribute Controlled Substances;
Title 21, U.S.C., Sec. 853 -
Criminal Forfeiture

The grand jury charges:

Count 1

Beginning on a date unknown to the grand jury, and continuing to
and until October 20, 2021, within the Southern District of California
and elsewhere, defendant JAMES CHARLES RIVERA, did knowingly and
intentionally conspire and agree with other persons, known and unknown
to the grand jury, to distribute anabolic steroids, including but not
limited to Anadrol, Anavar (Oxandrolone), Choriomon (hCG), Dianabol
(Methandrostenolone), Halotestin, Proviron (Mesterolone), Sustanon,
Test E (Testosterone), Tiromel, Turinabol (Dehydrochloro-
methyltestosterone), Winstrol (Stanozolol), Schedule III Controlled
Substances, and masking agents; all in violation of Title 21, United
States Code, Sections 841(a)(1), (b)(1)(E), and 846.

//

OR:nlv:San Diego:12/7/21

FORFEITURE ALLEGATIONS

1
2 1. The allegations contained in Count 1 are realleged and by
3 their reference fully incorporated herein for the purpose of alleging
4 forfeiture to the United States of America pursuant to the provisions
5 of Title 21, United States Code, Section 853.

6 2. Upon conviction of the felony offense alleged in Count 1 of
7 this indictment, said violation being punishable by imprisonment for
8 more than one year and pursuant to Title 21, United States Code,
9 Sections 853(a)(1) and 853(a)(2), defendant JAMES CHARLES RIVERA shall
10 forfeit to the United States all defendant's rights, title, and interest
11 in any and all property constituting, or derived from, any proceeds the
12 defendant obtained, directly or indirectly, as the result of the offense,
13 and any and all property used or intended to be used in any manner or
14 part to commit and to facilitate the commission of the violation alleged
15 in Count 1 of this indictment.

16 3. If any of the above-described forfeitable property, as a
17 result of any act or omission of the defendant:

- 18 a. cannot be located upon the exercise of due diligence;
19 b. has been transferred or sold to, or deposited with, a
20 third party;
21 c. has been placed beyond the jurisdiction of the Court;
22 d. has been substantially diminished in value; or
23 e. has been comingled with other property which cannot be
24 subdivided without difficulty;

25 //

26 //

27 //

28 //

1 it is the intent of the United States, pursuant to Title 21, United
2 States Code, Section 853(p), to seek forfeiture of any other property
3 of the defendant up to the value of the property listed above as being
4 subject to forfeiture.

5 All pursuant to Title 21, United States Code, Section 853.


6 DATED: December 7, 2021.

7 A TRUE BILL:
8
9

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RANDY S. GROSSMAN
Acting United States Attorney

By:


OWEN ROTH
Assistant U.S. Attorney